



PATENT
ATTORNEY DOCKET NO. 07039/073001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Elliott Richelson et al.

Art Unit: 1635

Serial No.: 08/953,269

Examiner: Sean McGarry

Filed : October 17, 1997

Title : USING POLYAMIDE NUCLEIC ACID OLIGOMERS TO
ENGENDER A BIOLOGICAL RESPONSE

Assistant Commissioner for Patents
Washington, DC 20231
BOX AF

DECLARATION UNDER 37 CFR §1.132 OF ELLIOTT RICHELSON

I, Elliott Richelson, declare as follows:

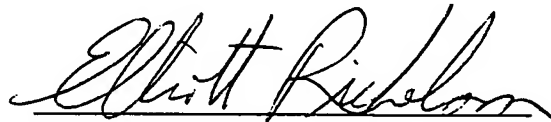
1. I am a citizen of the United States and presently live at 109 Teal Pointe Lane, Ponte Vedra Beach, FL 32082-1936.
2. I am presently employed by Mayo Foundation, and have been so employed since 1975.
3. I received a Doctor of Medicine Degree from Johns Hopkins University, School of Medicine, Baltimore, MD.
4. I am an inventor on the above-indicated patent application.
5. I have read the Examiner's Office Action mailed September 13, 1999, including the section where the Examiner contends that neither the specification nor my previous Declaration provides any guidance or evidence of how the PNA oligomers were initially screened for their expected *in vivo* activity.
6. Neither I, my co-inventors, nor individuals under our supervision performed *in vivo* screening to identify neurotensin-1 receptor-specific PNA oligomers having *in vivo*

activity prior to administering the NTR1-PNA oligomer to a mammal. The NTR1-PNA oligomer was the first PNA oligomer targeting the non-coding strand of rat neurotensin-1 receptor that I, my co-inventors, or individuals under our supervision, administered to a mammal. As described in the above-indicated patent application, a sequence specific biological response was detected after *in vivo* administration of the NTR1-PNA oligomer. In addition, neither I, my co-inventors, nor individuals under our supervision have established a cell culture screening method capable of identifying neurotensin-1 receptor-specific PNA oligomers having biological activity.

7. Neither I, my co-inventors, nor individuals under our supervision performed *in vivo* or cell culture screening to identify mu-1 morphine receptor-specific PNA oligomers having *in vivo* activity prior to administering the MU1R-PNA oligomer to a mammal. The MU1R-PNA oligomer was the first PNA oligomer targeting the non-coding strand of rat mu-1 morphine receptor that I, my co-inventors, or individuals under our supervision, administered to a mammal. As described in the above-indicated patent application, a sequence specific biological response was detected after *in vivo* administration of the MU1R-PNA oligomer.

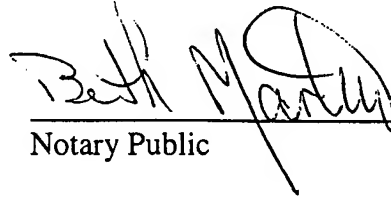
8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

Dated: 11/12/99


Elliott Richelson

STATE OF FLORIDA)
) ss.
COUNTY OF Duval)

Before me this 12th day of November, 1999, personally appeared Elliott Richelson known to me to be the person whose name is subscribed to the foregoing Declaration, and acknowledged that he executed the same as his free act and deed for the purposes therein contained.



Notary Public

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